## **PCT**

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 141-424 PCT	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416					
International application No.	International filing date (day/mor	th/year) Priority date (day/month/year)					
PCT/US03/29292	19 September 2003 (19.09.2003)	20 September 2002 (20.09.2002)					
International Patent Classification (IPC) or national classification and IPC							
IPC(7): A61K 31/425, 31/155, 9/22 and US CI.: 514/371, 635; 424/468							
Applicant							
ANDRX LABS LLC							
1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.							
2. This REPORT consists of a total of sheets, including this cover sheet.							
This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  These annexes consist of a total of sheets.							
This report contains indica	tions relating to the following is						
5. This report contains indica	mons relating to the following is	ens:					
I Basis of the repo	I Basis of the report						
II Priority	II Priority						
III Non-establishme	III Non-establishment of report with regard to novelty, inventive step and industrial applicability						
V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial							
applicability; citations and explanations supporting such statement							
VI Certain documen	VI Certain documents cited						
VII Certain defects in the international application							
VIII Certain observations on the international application							
Date of submission of the demand	Date o	f completion of this report					
14 April 2004 (14.04.2004)							
Name and mailing address of the IPEA/U	. 4 '	04 January 2005 (04.01.2005)					
Mail Stop PCT, Attn: IPEA/US							
Commissioner for Patents P.O. Box 1450  Dorna Jagoe  Dorna Jagoe							
Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230  Telephone No. (571) 272-1600							

Form PCT/IPEA/409 (cover sheet)(July 1998)

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US03/29292

I.	I. Basis of the report					
1.	With	regard to the elements of the international application:*				
	$\boxtimes$	the international application as originally filed.				
	$\boxtimes$	the description:				
		pages 1-25 as originally filed				
		pages NONE, filed with the demand				
		pages NONE , filed with the letter of				
	$\boxtimes$	the claims:				
		pages 26-30 , as originally filed				
		pages NONE, as amended (together with any statement) under Article 19 pages NONE, filed with the demand				
		pages NONE , filed with the letter of .				
		the drawings:				
		pages NONE , as originally filed				
		pages NONE , filed with the demand				
		pages NONE , filed with the letter of				
		the sequence listing part of the description:				
		pages NONE, as originally filed				
		pages NONE , filed with the demand				
	<b>77 11.</b> 4	pages NONE , filed with the letter of				
2.	Witt	n regard to the language, all the elements marked above were available or furnished to this Authority in the tage in which the international application was filed, unless otherwise indicated under this item.				
	Thes	the elements were available or furnished to this Authority in the following language which is:				
		the language of a translation furnished for the purposes of international search (under Rule23.1(b)).				
	Ħ	• • •				
	H	the language of publication of the international application (under Rule 48.3(b)).				
	Ш	the language of the translation furnished for the purposes of international preliminary examination(under Rules 55.2 and/or 55.3).				
3.	With	regard to any nucleotide and/or amino acid sequence disclosed in the international application, the				
	Inter	national preliminary examination was carried out on the basis of the sequence listing:				
	H	contained in the international application in printed form.				
	H	filed together with the international application in computer readable form.				
	님	furnished subsequently to this Authority in written form.				
	H	furnished subsequently to this Authority in computer readable form.				
	Ш	The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the				
		international application as filed has been furnished.				
		The statement that the information recorded in computer readable form is identical to the written sequence listing				
,	П	has been furnished.				
4.	Ш	The amendments have resulted in the cancellation of:				
		the description, pages NONE				
		the claims, Nos. NONE				
		the drawings, sheets/ <del>fig</del> NONE				
5.		This report has been established as if (some of) the amendments had not been made, since they have been considered to go				
	beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**					
* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).  ** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.						
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## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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International application No. PCT/US03/29292

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement						
1. STATEMENT						
Novelty (N)	Claims	1-31	YES			
¥ , ,		NONE	NO			
Invention Char (IC)	C1-:	1.0	XITO.			
Inventive Step (IS)	Claims Claims	NONE	YES NO			
	Cidillis	NONE	110			
Industrial Applicability (IA)	Claims	1-31	YES			
	Claims	NONE	NO			
immediate release thiazolidinedione derivative conta  Claims 1-31 meets the criteria set out in PCT Article can be made or used in industry.  NEW CITATIONS  NONE	e 33(4), and th		ecause the subject matter claimed			
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